

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4525 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

RAJNIKANT DHIRAJLAL DESAI

Versus

DISTRICT DEVELOPMENT OFFICER

Appearance:

MR YN OZA for Petitioner
M/S PURNANAND & CO for Respondent No. 1
MR KG SHETH, AGP, for Respondent No. 2

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 18/08/2000

ORAL JUDGEMENT

1. Mr. A.H. Desai learned advocate appearing for
the petitioner states that since there was no interim
relief at relevant point of time, the inquiry against the
petitioner was conducted and he was found guilty and

appropriate punishment was imposed upon him. The petitioner filed an appeal before the Development Commissioner who allowed the appeal of the petitioner and quashed and set aside the order of the competent authority about the punishment imposed upon the petitioner. On the strength of the said order of the Development Commissioner, the petitioner has already been reinstated and therefore, according to Mr. A.H. Desai, the petition has become infructuous and does not survive.

Heard the learned counsel for the parties.

2. However, it is his submission that the petitioner was placed under suspension for some time till he was reinstated in service under the orders of the Development Commissioner. That the petitioner has made certain applications for releasing the salary payable to the petitioner during the period of suspension treating the said period as a period on duty. It is his argument that the said applications have not been decided and the petitioner has not been paid full salary for the period for which he was under suspension. According to him, the petitioner remained under suspension during the period from 12-5-1983 to 24-11-1986.

3. Under the Rules, the Department is required to consider as to how the period of suspension should be treated. This can be done in accordance with the Rules after hearing the petitioner. Therefore, the first respondent is directed to consider the case of the petitioner as and when he submits an application for releasing the salary for the period during which he was under suspension. The said Officer shall dispose of the said application of the petitioner within three months from the date of submission of the application to the first respondent.

4. In the aforesaid view of the matter, the petition is accordingly disposed of with aforesaid direction to the first respondent. There shall be order order as to costs. Rule discharged in above terms. Direct service is permitted.

zgs/-